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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 *In re: Volkswagen 'Clean Diesel' Marketing,*
12 *Sales Practices, and Products Liability*
13 *Litigation*

14 This document relates to:

15 *Iconic Motors, Inc. v. Volkswagen Group of*
16 *America, Inc.*, No. 3:17-cv-3185-CRB

LEAD CASE No. 15-md-02672- CRB

**DECLARATION OF JOSHUA J.
CAUHORN IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO HAVE EXHIBITS A-D
AND F-G OF DECLARATION OF
WILLIAM A. SLEVIN, GROUP
EXHIBIT E TO OPPOSITION, AND
PORTIONS OF FED. R. CIV. P. 56(d)
DECLARATION TO PLAINTIFFS'
OPPOSITION TO ROBERT BOSCH
GMBH AND ROBERT BOSCH LLC'S
MOTION FOR SUMMARY JUDGMENT
FILED UNDER SEAL PURSUANT TO
CIVIL L.R. 79-5**

25 Lead Case No. 15-md-02672- CRB

26 DECLARATION OF JOSHUA J. CAUHORN IN SUPPORT OF PLAINTIFFS'
27 ADMINISTRATIVE MOTION TO HAVE EXHIBITS A-D AND F-G OF DECLARATION
28 OF WILLIAM A. SLEVIN, GROUP EXHIBIT E TO OPPOSITION, AND PORTIONS OF
FED. R. CIV. P. 56(d) DECLARATION TO PLAINTIFFS' OPPOSITION TO ROBERT
BOSCH GMBH AND ROBERT BOSCH LLC'S MOTION FOR SUMMARY JUDGMENT
FILED UNDER SEAL PURSUANT TO CIVIL L.R. 79-5

1
2 I, Joshua J. Cauhorn, declare as follows:

3 1. I am a partner with the law firm of Burke, Warren, MacKay & Serritella, P.C. and
4 counsel of record for Plaintiffs, Iconic Motors, Inc. d/b/a Elgin Volkswagen ("Elgin VW") and
5 Slevin Capital Investments, Inc. ("SCI") (collectively, I refer to Elgin VW and SCI as the "Iconic
6 Plaintiffs"). I provide this declaration in support of the Iconic Plaintiffs' Administrative Motion to
7 File Exhibits A-D and F-G of the Declaration of William A. Slevin ("Slevin Declaration"), Group
8 Exhibit E, and Portions of the Fed. R. Civ. P. 56(d) Declaration of Joshua J. Cauhorn ("56(d)
9 Declaration") to Plaintiffs' Opposition to Robert Bosch GmbH and Robert Bosch LLC's Motion for
10 Summary Judgment ("Opposition") Under Seal Pursuant to Civil L.R. 79-5. I make this declaration
11 pursuant to Civil Local Rules 7-11 and 79-5, and in support of filing Exhibits A-D and Exhibits F-
12 G to the Slevin Declaration, Group Exhibit E to the Opposition, and the Portions of the 56(d)
13 Declaration, and any references to them in the Slevin Declaration and Opposition, under seal.

14 2. On August 6, 2018, the Court approved and entered a Stipulated Protective Order
15 ("Protective Order") in this matter. [Dkt. No. 5180.]

16 3. In this action, the Iconic Plaintiffs have produced certain documents designated as
17 "Confidential" pursuant to the Protective Order.

18 4. On February 14, 2025, the Iconic Plaintiffs filed their Opposition, and, in support of
19 same, attached the Declaration of William A. Slevin, president of Elgin VW and SCI. Mr. Slevin
20 references and attaches certain documents in the Declaration that have been produced by the Iconic
21 Plaintiffs and have been designated as "Confidential" pursuant to the Protective Order. Information
22 from these documents is also discussed in the 56(d) Declaration. The documents for the Court's
23 consideration are as follows:


<u>Exhibit #</u>	<u>Bates</u>	<u>Document Description</u>
Slevin Declaration		
Exhibit A	ICONIC000821- ICONIC000823	A sales forecast sent to Mr. Slevin by Volkswagen Group of America, Inc. and Volkswagen Aktiengesellschaft (collectively, "VW") that details profit projections for the new dealership.
Group Exhibit B	ICONIC000489- ICONIC000501; and ICONIC000505- ICONIC000506	Letter of Intent to enter into business arrangement and construct a dealership with VW; Amendment to Letter of Intent.
Group Exhibit C	ICONIC000009- ICONIC000012; ICONIC004779- ICONIC004832;	Escrow Trust Disbursement Statement for the real property located at 2630 Auto Mall Drive, Elgin, IL 60124 ("Property"); Real Estate Sale Agreement for the Property.
Group Exhibit D	ICONIC004633- ICONIC004667; ICONIC004669- ICONIC004681; ICONIC004689- ICONIC004707; ICONIC004709- ICONIC004732; ICONIC004682- ICONIC004688; and ICONIC004734- ICONIC004746	Loan documentation from financial institutions for three loans taken to finance the purchase and construction of the Property, including contractual relationship with financial institutions and terms of the notes.
Group Exhibit F	ICONIC000779- ICONIC000780; ICONIC000816; and ICONIC002704- ICONIC002705	Project Cost Summary for the Property; Elgin VW Dealership Project Cost Analysis for the Property; and SCI Construction Ledger Account.

Group Exhibit G	ICONIC004503- ICONIC004512; and ICONIC004513- ICONIC004543	Elgin VW Financial Statements for the years 2015–2019
Group Exhibit D to Opposition		
Group Exhibit D	n/a	Bosch’s Responses and Objections to Plaintiffs’ Requests for Admission
56(d) Declaration		
56(d) Decl.	n/a	Certain portions that reference confidential information included in the Slevin Declaration.

5. The Exhibits to the Slevin Declaration, including the information contained therein, have been designated by the Iconic Plaintiffs as “Confidential,” pursuant to the Protective Order, because they contain confidential, nonpublic, and highly sensitive business information. They contain confidential, non-public information about projections of Elgin VW’s sales performance, the Iconic Plaintiffs’ business agreements, VW’s and the Iconic Plaintiffs’ competitive positions, and the Iconic Plaintiffs’ financial statements and other financial information (including property and business valuation information, which could impede future business-sale negotiations). The documents contain information that remain important to the Iconic Plaintiffs’ competitive positions. Upon information and belief, publicly disclosing this sensitive information would cause harm with respect to the Iconic Plaintiffs’ competitors, vendors, customers, and any potential buyers, and would put the Iconic Plaintiffs at a competitive disadvantage with other dealerships. For these reasons, the documents outlined above contain “Highly Confidential Information” under Paragraph 2.8 of the Protective Order and are appropriately designated as “Confidential.”

6. The 56(d) Declaration further references confidential information included in the Slevin Declaration and the above-noted exhibits.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Joshua J. Cauhorn